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EXAMINER
EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
2441	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/818,415	GRIGNETTI, ALEJANDRO M.	
	Examiner	Art Unit	
	HUSSEIN A. EL CHANTI	2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *19 March 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to petition received March 19, 2010. Claims 1-15 are pending examination.

Drawings

2. Formal Drawings are required to be submitted by the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jebens et al., U.S. Patent No. 6,321,231 (referred to hereafter as Jebens) in view of Miller.

As to claim 1, Jebens teaches a apparatus for viewing digital content received from a data communication network, the apparatus comprising:

a non-volatile storage medium capable to store digital content received from a data communication network (see col. 4 lines 42-col. 5 lines 2);

a display communicatively coupled to the non-volatile storage medium and capable to display images content, wherein the digital content was previously downloaded from the data communication network and wherein the digital content is

displayed using a browser while the apparatus is not connected to the data communication network (see co. 5 lines 2-23),

a processor communicatively coupled to the non-volatile storage medium, the executes the browser (see col. 5 lines 2-23).

Jebens does not explicitly teach that the device is a portable device. However, Miller teaches a system and method for downloading digital content wherein the user device is a portable device (see col. 3). It would have been obvious for one of the ordinary skill in the art at the time of the invention to use a portable device in Jebens as taught by Miller. Motivation to do so comes from the knowledge well known in the art that using a portable device would allow the user to access the content from any geographic location and therefore making the method and system easier to use.

As to claim 2, Jebens teaches the apparatus of claim 1 wherein the data communications network includes the internet (see col. 7 lines 1-14).

As to claim 3, Jebens teaches the apparatus of claim 1 wherein the digital content includes data relating to any one of a website, an electronic document, a digital photograph, multimedia content, or digital music (see col. 5 lines 2-23).

As to claim 4, Jebens teaches the apparatus of claim 1 wherein the digital content is stored in the non-volatile storage medium as a content bundle (see col. 5 lines 2-23).

As to claim 5, Jebens teaches the apparatus of claim 1 wherein the digital content is viewed while the apparatus is not connected to the data communication network (see col. 5 lines 2-35),

As to claim 6, Jebens teaches the apparatus of claim 1 wherein the digital content was previously downloaded from the data communication network (see col. 5 lines 2-55).

As to claim 7, Jebens teaches the apparatus of claim 1 wherein the display provides a maximized client window for the browser (see col. 5 lines 23-53).

As to claim 8, Jebens teaches the apparatus of claim 1 wherein the apparatus is communicatively coupled to a host processing device and wherein digital content is downloaded to the non-volatile storage medium in response to print commands issued in the host processing device (see col. 12 lines 11-65).

As to claim 9, Jebens teaches the apparatus of claim 1 wherein the apparatus is communicatively coupled to a host processing device and wherein the apparatus is capable to perform a first operation in response to a command from a first user and the host processing device is capable to perform a second task in response to a command from a second user (see col. 12 lines 11-65).

As to claim 10, Jebens teaches the apparatus of claim 1 wherein the processor executes the content browsing engine so that the client window of the content browsing engine remains on display during the operation of the apparatus (see col. 12 lines 11-65).

As to claim 11, Jebens teaches the apparatus of claim 1 wherein the content browsing engine is capable to call upon a helper engine to assist in decoding the digital content (see col. 12 lines 11-65).

As to claim 12, Jebens teaches a method of viewing digital content received from a data communication network, the method comprising:

receiving digital content from a data communication network and storing the digital content in a non-volatile storage medium (see col. 5 lines 3-55);

executing a content browsing engine to select digital content stored in the non-volatile storage medium (see col. 5 lines 3-55); and

displaying an image of the digital content in a display (see col. 5 lines 3-55).

Jebens does not explicitly teach that the device is a portable device. However, Miller teaches a system and method for downloading digital content wherein the user device is a portable device (see col. 3). It would have been obvious for one of the ordinary skill in the art at the time of the invention to use a portable device in Jebens as taught by Miller. Motivation to do so comes from the knowledge well known in the art that using a portable device would allow the user to access the content from any geographic location and therefore making the method and system easier to use.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jebens et al., U.S. Patent No. 6,321,231 (referred to hereafter as Jebens) in view of Kondo et al., U.S. Patent No. 6,170,074 (referred to hereafter as Kondo).

As to claim 13, Jebens teaches an apparatus for receiving data cast transmission comprising:

a base station including a receiver (see col. 5 lines 32-55);

a browser device capable to be coupled to the base station and including a non-volatile storage (see col. 5 lines 3-55); and

a filtering engine communicatively coupled to the non-volatile storage content bundles requested by a user, the content bundles being transmitted from a data cast transmission received by the receiver (see col. 5 lines 3-55).

Jebens does not teach that the transmission is a HDTV transmission. However, Kondo does (see col. 1 lines 13-40). It would have been obvious for one of the ordinary skill in the art at the time of the invention to incorporate the transmission of HDTV signals in Jebens as taught by Kondo. Motivation to do so comes from the teachings of Kondo that sending HDTV signals would allow portable devices to display a much higher resolution with high color definition and would therefore make the system and method more efficient.

5. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jebens et al., U.S. Patent No. 6,321,231 (referred to hereafter as Jebens) in view of Miller and further in view of Kondo et al., U.S. Patent No. 6,170,074 (referred to hereafter as Kondo).

As to claim 14, Jebens teaches a method of receiving data cast transmission, the method comprising:

receiving a data cast transmission including content bundles (see col. 5 lines 32-55);

filtering the received content bundles so that the selected content bundles are stored in a non-volatile storage (see col. 5 lines 31-41); and

viewing at least some of the stored content bundles in a display (see col. 5 lines 46-col. 10 lines 17).

Jebens does not explicitly teach that the device is a portable device. However, Miller teaches a system and method for downloading digital content wherein the user device is a portable device (see col. 3). It would have been obvious for one of the ordinary skill in the art at the time of the invention to use a portable device in Jebens as taught by Miller. Motivation to do so comes from the knowledge well known in the art that using a portable device would allow the user to access the content from any geographic location and therefore making the method and system easier to use.

Neither Jebens nor Miller teaches that the transmission is a HDTV transmission. However, Kondo does (see col. 1 lines 13-40). It would have been obvious for one of the ordinary skill in the art at the time of the invention to incorporate the transmission of HDTV signals in Jebens as taught by Kondo. Motivation to do so comes from the teachings of Kondo that sending HDTV signals would allow portable devices to display a much higher resolution with high color definition and would therefore make the system and method more efficient.

As to claim 15, Jebens teaches the method of claim 14, further comprising:

transmitting a feedback information to a broadcaster of the content bundles in response to receiving the selected content bundles (see col. 3 lines 32-55).

6. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUSSEIN A. EL CHANTI whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571)272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hussein Elchanti/
Primary Patent Examiner

Oct. 6, 2010